

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT WINCHESTER**

UNITED STATES OF AMERICA)	Case No. 4:24-cr-24
)	
v.)	Judge Atchley
)	
CODY LESTER)	Magistrate Judge Dumitru

ORDER

Magistrate Judge Mike Dumitru filed a report and recommendation recommending that the Court: (1) grant Defendant’s motion to withdraw his not guilty plea as to Count One of the nine-count Indictment; (2) accept Defendant’s guilty plea to the lesser included offense of the charge in Count One of the Indictment, that is, conspiracy to distribute and possess with intent to distribute 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), and 846 (the “Lesser Included Offense”); (3) adjudicate Defendant guilty of the Lesser Included Offense; (4) defer a decision on whether to accept the Second Amended Plea Agreement [Doc. 103] until sentencing; and (5) order that Defendant remain in custody until sentencing in this matter [Doc. 108]. Neither party filed a timely objection to the report and recommendation. After reviewing the record, the Court agrees with Magistrate Judge Dumitru’s report and recommendation. Accordingly, the Court **ACCEPTS** and **ADOPTS** the Magistrate Judge’s report and recommendation [Doc. 108] pursuant to 28 U.S.C. § 636(b)(1) and **ORDERS** as follows:

1. Defendant’s motion to withdraw his not guilty plea to Count One of the nine-count Indictment is **GRANTED**;
2. Defendant’s plea of guilty to the Lesser Included Offense is **ACCEPTED**;

3. Defendant is hereby **ADJUDGED** guilty of the Lesser Included Offense;
4. A decision on whether to accept the Second Amended Plea Agreement is **DEFERRED** until sentencing; and
5. Defendant **SHALL REMAIN** in custody until sentencing in this matter, which is scheduled to take place on **June 26, 2025, at 2:00 p.m. ET** before the undersigned.

SO ORDERED.

/s/ Charles E. Atchley, Jr.

CHARLES E. ATCHLEY, JR.

UNITED STATES DISTRICT JUDGE